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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,885	02/01/2005	Torben A. Bonde	BONDE3	6718

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BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON, DC 20001-5303

EXAMINER

MANOHARAN, VIRGINIA

ART UNIT	PAPER NUMBER
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1797

MAIL DATE	DELIVERY MODE
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12/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/522,885

Applicant(s)

BONDE, TORBEN A.

Examiner

Virginia Manoharan

Art Unit

1797

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 10, 11, 13, 18, 19, 25, 30, 49, 50, 58, 59, 68, 69 and 101-175 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7, 10, 11, 13, 18-19, 25, 30, 49-50, 58-59, 68, 101, 103-114, 120 and 127-138 is/are allowed.
- 6) ☒ Claim(s) 69, 102, 115-119, 121-126 and 139-175 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892).
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 69, 102, 115-119, 121-126 and 139-175 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a). The following rejections with reference to claim 69 are hereby repeated because applicant fails to address them.

1). The term "preferably" in claim 69 renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed, thereby rendering the scope of the claim(s) unascertainable.

2). In claim 69, c), the claimed "the evaporator " lacks antecedent support.

3). It is unclear whether the " a predetermined reference pressure" in claim 1, sections d)-f) is the same or different from "a predetermined reference pressure", initially recited in claim 69, section c). If the same, then the article "a" should be replaced with —the—in claim 69 (and in subsequent recitations in claim 1 of the pressure).

b). Regarding claim 115, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

c). In claim 121, the terms "absorption system", "adsorber" and "adsorbing" provide for confusion as two distinct unit of operations are recited in the same breadth, i.e., adsorption and absorption. The same holds true for claim 122.

d). There are insufficient antecedent basis for the following limitations in the claims.

- 1). "the reception tank", claims 116 and 125;
- 2). "the final condensate", claim 123;
- 3). "the permeate", claims 139, 144";
- 4). "the manure" and "the animal housing", claim 144;
- 5). "the further condensing device", claims 156 158 and 162;
- 6). "said vapour not condensed by the first condensing device" (not initially recited in the base claim), claim 161;
- 7). "said countercurrent of aqueous liquid", claim 162;
- 8). "said second condensed aqueous liquid", claim 165;
- 9). "the second condensing device", claim 165;
- 10). "the bioreactor", claims 171-172; and
- 11). "re-directed to a bioreactor" (the direction not initially recited in the claims), claim 169.

e). Claim 170, as recited, is in improper Markush language.

f). The inconsistent used of terminologies in the claims is improper. For examples: "the absorption unit" in claims 123- 124, as opposed to "an absorption system" in claim 121.

g). Claim 143, as recited, provides for ambiguity. Claim 58 depends on claims 49 and 25. Likewise, claim 135 depends on claims 49 and 25 such that the limitations of claims 49 and 25 appear to be redundantly recited in the same claim 143.

h). It is unclear what "predetermined reference pressure" in sections c)-f) of claim 69 is being referred to in "said reference pressure " recited in claim 151.

The claims are objected to because "vapour" numerous recited in the claims should be —vapor— as the latter is the term normally used in the U.S. See e.g., claim 146. Appropriate correction is required.

Claims 1-7, 10-11, 13, 18-19, 25, 30, 49-50, 58-59, 68, 101, 103-114, 120 and 127-138 are allowed.

Claims 69, 102, 115-119, 121-126 and 139-175 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Applicant's arguments filed October 2, 2007 have been fully considered but they are not persuasive.

Applicant stated that "Claim 69 has been amended", however, claim 69 has a "previously presented" status identifier, i.e., as submitted has not been amended.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to V. Manoharan whose telephone number is (571) 272-1450.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on (571) 272-1444.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


/HCINIA MANC
PRIMARY EXAMINE
ART UNIT 132/1797